

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS R. CLOSE,)
Petitioner,)
)
vs.) Civil Action No. 07-222
)
GERALD L. ROZUM, et al,)
Respondents.)

MEMORANDUM ORDER

Petitioner, Thomas R. Close, by his counsel, has submitted a pleading entitled "Motion to Reconsider Petitioner's Objections to the Report and Recommendation of the Magistrate Judge." In this motion, counsel avers that he never received electronic notice of the Report and Recommendation issued by the magistrate judge on May 24, 2007 (Docket No. 15), that his first notice that activity was occurring in the case was his receipt of the June 22, 2007 order of court adopting the Report and Recommendation and dismissing the petition for writ of habeas corpus, and that he confirmed respondents' counsel did receive electronic notice of the Report and Recommendation.

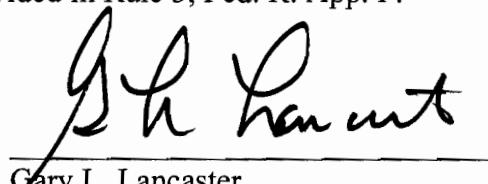
In this same pleading, Petitioner proceeds to present his objections to the Report and Recommendation. Upon review of the objections submitted by Petitioner, the Court finds them to be without merit and readopts the Report and Recommendation of the magistrate judge.

AND NOW, this 19 day of July, 2007,

IT IS ORDERED that the Motion to Reconsider Petitioner's Objections to Report and Recommendation of United States Magistrate Judge (Docket No. 17) is granted.

IT IS FURTHER ORDERED that the petition for a writ of habeas corpus filed by petitioner (Docket No. 1) is dismissed and a certificate of appealability is denied for lack of a viable constitutional right.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.



Gary L. Lancaster
United States District Judge